

**2013 Assembly Bill 191 (LRB -1742)**

An Act to amend 943.45 (3) (a), 943.46 (4) (a) and 943.48 (1m) of the statutes; relating to: theft of communication and video services, civil damages resulting from the theft of certain services, and providing penalties. (FE)

**2013**

05-03.	A.	Introduced by Representatives <b>Kleefisch, Petryk and Ripp</b> ; cosponsored by Senators <b>Farrow, Lasee and Leibham</b> .....	141
05-03.	A.	Read first time and referred to Committee on Criminal Justice .....	141
05-17.	A.	Fiscal estimate received .....	
06-03.	A.	Fiscal estimate received .....	
06-26.	A.	Fiscal estimate received .....	
06-27.	A.	Public hearing held .....	
09-11.	A.	Assembly Amendment 1 offered by Representative Kleefisch ( <b>LRB a0799</b> ) .....	305
09-11.	A.	Assembly Amendment 2 offered by Representative Goyke ( <b>LRB a0797</b> ) .....	305
09-12.	A.	Executive action taken .....	
09-17.	A.	Report Assembly Amendment 1 adoption recommended by Committee on Criminal Justice, Ayes 7, Noes 0 .....	310
09-17.	A.	Report passage as amended recommended by Committee on Criminal Justice, Ayes 6, Noes 1 .....	310
09-17.	A.	Referred to Committee on Rules .....	310
10-10.	A.	Placed on calendar 10-15-2013 by Committee on Rules .....	
10-15.	A.	Read a second time .....	355
10-15.	A.	<b>Assembly Amendment 1 adopted</b> .....	355
10-15.	A.	Ordered to a third reading .....	355
10-15.	A.	Rules suspended .....	355
10-15.	A.	Read a third time and <b>passed</b> .....	355
10-15.	A.	Ordered immediately messaged .....	355
10-16.	S.	Received from Assembly .....	427
10-22.	S.	Read first time and referred to committee on Government Operations, Public Works, and Telecommunications .....	438
10-29.	S.	Public hearing held .....	
11-06.	S.	Executive action taken .....	
11-06.	S.	Report concurrence recommended by Committee on Government Operations, Public Works, and Telecommunications, Ayes 7, Noes 0 .....	468
11-06.	S.	Available for scheduling .....	
11-11.	S.	Placed on calendar 11-12-2013 pursuant to Senate Rule 18(1) .....	
11-12.	S.	Read a second time .....	
11-12.	S.	Ordered to a third reading .....	
11-12.	S.	Rules suspended .....	
11-12.	S.	Read a third time and <b>concurred in</b> .....	
11-12.	S.	Ordered immediately messaged .....	
11-12.	A.	Received from Senate concurred in .....	

MB

**2013**  
**ENROLLED BILL**

13en AB-191

**ADOPTED DOCUMENTS:**

☒ Orig    ☐ Engr          SubAmdt      

13-174211

Amendments to above (if none, write "NONE"):

AA1 — a 0799/1

Corrections - show date (if none, write "NONE"):

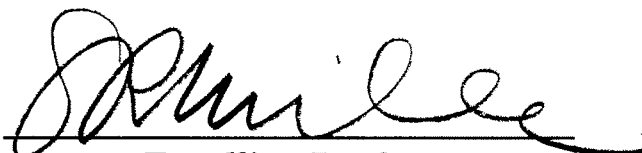
NONE

Topic

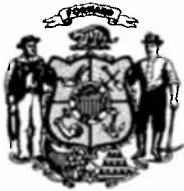
Rel

11-14-13

Date



Enrolling Drafter



## 2013 ASSEMBLY BILL 191

May 3, 2013 - Introduced by Representatives KLEEFISCH, PETRYK and RIPP, cosponsored by Senators FARROW, LASEE and LEIBHAM. Referred to Committee on Criminal Justice.

- 1     **AN ACT** *to amend* 943.45 (3) (a), 943.46 (4) (a) and 943.48 (1m) of the statutes;  
2             **relating to:** theft of communication and video services, civil damages resulting  
3             from the theft of certain services, and providing penalties.

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### ***Analysis by the Legislative Reference Bureau***

Current law prohibits a person from obtaining without payment telecommunications service and from obtaining without payment video service. A person who violates either prohibition for the first time is subject to a Class C forfeiture. Under this bill, a person who violates either prohibition for the first time is guilty of a Class C misdemeanor.

Under current law if a person who incurs injury as a result of theft of telecommunications service, commercial mobile service, video service, or satellite cable programming prevails in a civil suit against the person who committed the theft, the court must grant the injured person actual damages, costs, and disbursements. The court is not permitted to grant attorney fees unless the person who committed the theft did it willfully and for commercial advantage or was previously convicted for the same violation. This bill permits the court to grant reasonable attorney fees for a first violation without regard to willfulness, commercial advantage or previous conviction.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

**ASSEMBLY BILL 191**

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**1            SECTION 1.** 943.45 (3) (a) of the statutes is amended to read:

2            943.45 (3) (a) Except as provided in pars. (b) to (d), any person who violates sub.  
3            (1) is subject to guilty of a Class C forfeiture misdemeanor.

4           **SECTION 2.** 943.46 (4) (a) of the statutes is amended to read:

5           943.46 (4) (a) Except as provided in pars. (b) to (d), any person who violates sub.  
6           (2) (a) to (f) is ~~subject to~~ guilty of a Class C ~~forfeiture~~ misdemeanor.

7           **SECTION 3.** 943.48 (1m) of the statutes is amended to read:

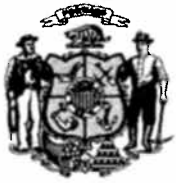
8           943.48 (1m) Except as provided in sub. (2), if the person who incurs the loss  
9       prevails, the court shall grant the prevailing party actual damages, costs and  
10      disbursements and may grant the prevailing party reasonable attorney fees.

11 **SECTION 4. Initial applicability.**

12           (1) This act first applies to acts committed on the effective date of this  
13   subsection.

14 (END)

INS  
AA-1



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBa0799/1  
CMH:kjf:jf

ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY BILL 191

September 11, 2013 – Offered by Representative KLEEFISCH.

AA1

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 10: after “fees” insert “that do not exceed the amount of actual  
3 damages”.

4 (END)